

HOUSE BILL 1735

By Camper

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 10; Title 16; Title 33; Title 57 and Title 67, relative to amount and distribution of tax revenue.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-3-302(a), is amended by deleting the language "one dollar and twenty-one cents (\$1.21)", and by substituting instead the language "one dollar and forty-five cents (\$1.45)".

SECTION 2. Tennessee Code Annotated, Section 57-3-302(b), is amended by deleting the language "four dollars and forty cents (\$4.40)", and by substituting instead the language "four dollars and eighty-four cents (\$4.84)".

SECTION 3. Tennessee Code Annotated, Section 57-3-306, is amended by adding the following new subsections:

(e)

(1) Notwithstanding the provisions of subsections (a) and (b), or any other law to the contrary, forty percent (40%) of the revenue generated from the increase in the tax authorized by § 57-3-302(a) from one dollar and twenty-one cents (\$1.21) to one dollar and forty-five cents (\$1.45) shall be allocated to funding for crime prevention grants.

(A) The department of finance and administration, office of criminal justice programs, shall award, administer, and evaluate crime prevention grants.

(B) Through the office of criminal justice programs, any local law enforcement agency within this state may apply for crime prevention grant funds to fund costs directly related to the prevention of crime.

(C) For purposes of this subsection, "Local law enforcement agency" means:

(i) Within the territory of a municipality, the municipal police department;

(ii) Within the territory of a county having a metropolitan form of government, the metropolitan police department; or

(iii) Within the unincorporated territory of a county, the sheriff's office.

(2) Notwithstanding the provisions of subsections (a) and (b), or any other law to the contrary, thirty percent (30%) of the revenue generated from the increase in the tax authorized by § 57-3-302(a) from one dollar and twenty-one cents (\$1.21) to one dollar and forty-five cents (\$1.45) shall be allocated to funding the grants authorized by the Drug Court Treatment Act of 2003, compiled in title 16, chapter 22.

(3)

(A) Notwithstanding the provisions of subsections (a) and (b), or any other law to the contrary, thirty percent (30%) of the revenue generated from the increase in the tax authorized by § 57-3-302(a) from one dollar and twenty-one cents (\$1.21) to one dollar and forty-five cents (\$1.45) shall be allocated to funding grants for community mental health centers and other elements of the community based system of services

and supports for persons with mental illness, or at risk for mental illness, and who are also at risk for engaging in criminal activity.

(B) The department of mental health and developmental disabilities, shall award, administer, and evaluate the grants that are authorized by this subdivision.

(f)

(1) Notwithstanding the provisions of subsections (a) and (b), or any other law to the contrary, forty percent (40%) of the revenue generated from the increase in the tax authorized by § 57-3-302(b) from four dollars and forty cents (\$4.40) to four dollars and eighty-four cents (\$4.84) shall be allocated to funding for crime prevention grants.

(A) The department of finance and administration, office of criminal justice programs, shall award, administer, and evaluate crime prevention grants.

(B) Through the office of criminal justice programs, any local law enforcement agency within this state may apply for crime prevention grant funds to fund costs directly related to the prevention of crime.

(C) For purposes of this subsection, "Local law enforcement agency" means:

(i) Within the territory of a municipality, the municipal police department;

(ii) Within the territory of a county having a metropolitan form of government, the metropolitan police department; or

(iii) Within the unincorporated territory of a county, the sheriff's office.

(2) Notwithstanding the provisions of subsections (a) and (b), or any other law to the contrary, thirty percent (30%) of the revenue generated from the increase in the tax authorized by § 57-3-302(b) from four dollars and forty cents (\$4.40) to four dollars and eighty-four cents (\$4.84) shall be allocated to funding the grants authorized by the Drug Court Treatment Act of 2003, compiled in title 16, chapter 22.

(3)

(A) Notwithstanding the provisions of subsections (a) and (b), or any other law to the contrary, thirty percent (30%) of the revenue generated from the increase in the tax authorized by § 57-3-302(b) from four dollars and forty cents (\$4.40) to four dollars and eighty-four cents (\$4.84) shall be allocated to funding grants for community mental health centers and other elements of the community based system of services and supports for persons with mental illness, or at risk for mental illness, and who are also at risk for engaging in criminal activity.

(B) The department of mental health and developmental disabilities, shall award, administer, and evaluate the grants that are authorized by this subdivision.

SECTION 4. Tennessee Code Annotated, Section 57-4-301(c), is amended by deleting the language "rate of fifteen percent (15%) of the sales price" and by substituting instead the language "rate of sixteen percent (16%) of the sales price".

SECTION 5. Tennessee Code Annotated, Section 57-4-306, is amended by adding the following new, appropriately designated subdivision:

(4)

(A) Notwithstanding any provision of this section or any other law to the contrary, forty percent (40%) of the revenue generated from the increase in the tax rate from fifteen percent (15%) to sixteen percent (16%) shall be allocated to funding for crime prevention grants.

(i) The department of finance and administration, office of criminal justice programs, shall award, administer, and evaluate crime prevention grants.

(ii) Through the office of criminal justice programs, any local law enforcement agency within this state may apply for crime prevention grant funds to fund costs directly related to the prevention of crime.

(iii) For purposes of this subsection, "Local law enforcement agency" means:

(a) Within the territory of a municipality, the municipal police department;

(b) Within the territory of a county having a metropolitan form of government, the metropolitan police department; or

(c) Within the unincorporated territory of a county, the sheriff's office.

(B) Notwithstanding any provision of this section or any other law to the contrary, thirty percent (30%) of the revenue generated from the increase in the tax rate from fifteen percent (15%) to sixteen percent (16%) shall be allocated to funding the grants authorized by the Drug Court Treatment Act of 2003, compiled in title 16, chapter 22.

(C)

(i) Notwithstanding any provision of this section or any other law to the contrary, thirty percent (30%) of the revenue generated from the increase in the tax rate from fifteen percent (15%) to sixteen percent (16%) shall be allocated to funding grants for community mental health centers and other elements of the community based system of services and supports for persons with mental illness, or at risk for mental illness, and who are also at risk for engaging in criminal activity.

(ii) The department of mental health and developmental disabilities, shall award, administer, and evaluate the grants that are authorized by this subdivision.

SECTION 6. Tennessee Code Annotated, Section 57-5-201(a)(1), is amended by deleting the language "four dollars and twenty-nine cents (\$4.29) per barrel" and by substituting instead the language "four dollars and seventy-two cents (\$4.72) per barrel.

Tennessee Code Annotated, Section 57-5-201(a), is further amended by adding the following new subdivision:

(3)

(A) Notwithstanding any provision of § 57-5-205, this subsection, or any other law to the contrary, forty percent (40%) of the revenue generated from the increase in the tax rate from four dollars and twenty-nine cents (\$4.29) to four dollars and seventy-two cents (\$4.72) shall be allocated to funding for crime prevention grants.

(i) The department of finance and administration, office of criminal justice programs, shall award, administer, and evaluate crime prevention grants.

(ii) Through the office of criminal justice programs, any local law enforcement agency within this state may apply for crime prevention grant funds to fund costs directly related to the prevention of crime.

(iii) For purposes of this subsection, "Local law enforcement agency" means:

(a) Within the territory of a municipality, the municipal police department;

(b) Within the territory of a county having a metropolitan form of government, the metropolitan police department; or

(c) Within the unincorporated territory of a county, the sheriff's office.

(B) Notwithstanding any provision of § 57-5-205, this subsection, or any other law to the contrary, thirty percent (30%) of the revenue generated from the increase in the tax rate from four dollars and twenty-nine cents (\$4.29) to four dollars and seventy-two cents (\$4.72) shall be allocated to funding the grants authorized by the Drug Court Treatment Act of 2003, compiled in title 16, chapter 22.

(C)

(i) Notwithstanding any provision of § 57-5-205, this subsection, or any other law to the contrary, thirty percent (30%)

of the revenue generated from the increase in the tax rate from four dollars and twenty-nine cents (\$4.29) to four dollars and seventy-two cents (\$4.72) shall be allocated to funding grants for community mental health centers and other elements of the community based system of services and supports for persons with mental illness, or at risk for mental illness, and who are also at risk for engaging in criminal activity.

(ii) The department of mental health and developmental disabilities, shall award, administer, and evaluate the grants that are authorized by this subdivision.

SECTION 7. Tennessee Code Annotated, Section 67-4-1004, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) The rate shall be four cents (4¢) on each cigarette.

SECTION 8. Tennessee Code Annotated, Section 67-4-1025, is amended by adding the following new, appropriately designated subsections:

(f)

(1) Notwithstanding any provision of subsections (a), (b), (d) and (e), or any other law to the contrary, forty percent (40%) of the revenue generated from the increase in the tax rate from three cents (3¢) to four cents (4¢) on each cigarette shall be allocated to funding for crime prevention grants.

(A) The department of finance and administration, office of criminal justice programs, shall award, administer, and evaluate crime prevention grants.

(B) Through the office of criminal justice programs, any local law enforcement agency within this state may apply for crime prevention grant funds to fund costs directly related to the prevention of crime.

(C) For purposes of this subsection, “Local law enforcement agency” means:

(i) Within the territory of a municipality, the municipal police department;

(ii) Within the territory of a county having a metropolitan form of government, the metropolitan police department; or

(iii) Within the unincorporated territory of a county, the sheriff's office.

(2) Notwithstanding any provision of this subsections (a), (b), (d) and (e), or any other law to the contrary, thirty percent (30%) of the revenue generated from the increase in the tax rate from three cents (3¢) to four cents (4¢) on each cigarette shall be allocated to funding the grants authorized by the Drug Court Treatment Act of 2003, compiled in title 16, chapter 22.

(3)

(A) Notwithstanding any provision of subsections (a), (b), (d) and (e), or any other law to the contrary, thirty percent (30%) of the revenue generated from the increase in the tax rate from three cents (3¢) to four cents (4¢) on each cigarette shall be allocated to funding grants for community mental health centers and other

elements of the community based system of services and supports for persons with mental illness, or at risk for mental illness, and who are also at risk for engaging in criminal activity.

(B) The department of mental health and developmental disabilities, shall award, administer, and evaluate the grants that are authorized by this subdivision.

SECTION 9. In order to effectuate the purposes of this act, the commissioner of finance and administration is authorized to promulgate rules and regulations for the award, administration, and evaluation of crime prevention grants. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 10. In order to effectuate the purposes of this act, the commissioner of mental health and developmental disabilities is authorized to promulgate rules and regulations for the award, administration, and evaluation of grants for mental health services that are designed to lessen the likelihood that service recipients will engage in criminal activity. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 11. This act shall take effect July 1, 2009, the public welfare requiring it.